

Carlos W. Lopez Freytes, Esq., Chair  
Environmental Quality Board  
Commonwealth of Puerto Rico  
PO Box 11488  
San Juan, PR 00910

Re: Revisions of Puerto Rico Solid Waste Regulations

Dear Mr. Lopez:

On October 5, 2006 I wrote the Governor regarding the Puerto Rico 1997 changes to EQB's Solid Waste Management Regulations. In that letter, I expressed serious concern that EQB's 1997 changes to the regulations appeared to weaken landfill controls to the point that the regulations may no longer satisfy the federal regulatory requirements, ~~and may undermine Puerto Rico's approved program status.~~ Enclosed for your review is a copy of EPA's October 5, 2006 letter.

EPA's primary concerns with the 1997 amended solid waste regulations include: the unacceptable revision of the definition of lateral expansion; the removal of the requirement that a professional engineer certify satisfaction of closure and post-closure requirements; the removal of educational degree and professional licensing requirements for personnel involved with hydrology and groundwater monitoring; the weakening of the hydraulic conductivity requirements for composite liners; the substantive lessening of financial assurance requirements; and the revision of the definition of "existing solid waste facility".

In the October 5, 2006 letter, EPA advised the Commonwealth, acting through EQB, to immediately commence steps necessary to change the definitions of lateral expansion, composite liner and the requirement for financial assurance back to the version of the regulations in effect in 1993, ~~upon which EPA's 1994 approval of Puerto Rico's Municipal Solid Waste Landfill (MSWLF) Permit Program was based.~~ To date we have received no response to the October 5, 2006 letter, or any indication that the key provisions of the 1993 regulations described in that letter have been restored.

Since that letter was sent, EPA ~~has received~~ commissioned a comprehensive review of Puerto Rico's regulations ~~that we commissioned.~~ Please also find enclosed this review, which consists of a 46-page Summary Report, and an Attachment providing the detailed review comments. The review has revealed a considerable number of other changes in the regulations, which were never approved by EPA. ~~Enclosed for your review is the 130-page regulatory review.~~

EPA staff will be in touch with your office shortly to follow up on this letter and to confirm a timetable for EQB to take the essential actions outlined above. Thank you for your immediate attention to this letter.

Sincerely,

Alan J. Steinberg  
Regional Administrator

Enclosures

cc: (w/o encls.) Jorge Silva-Puras, Chief of Staff

Office of the Governor  
Commonwealth of Puerto Rico

Javier A. Quintana-Mendez  
Executive Director  
Solid Waste Management Authority

Javier Velez-Arrocho, Director  
Department of Natural and Environmental Resources  
Commonwealth of Puerto Rico

Roberto J. Sanchez Ramos, Attorney General  
Commonwealth of Puerto Rico

bcc: (w/o encls.)

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